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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,847	10/29/2003	John F. Huber	128-P-04	9300

7590 01/23/2006
Nicholas A. Brannen
Suite 502
104 South Main Street
Fond du Lac, WI 54935

EXAMINER

KNOX, STEWART

ART UNIT PAPER NUMBER

3641

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,847	Applicant(s) HUBER, JOHN F.	
	Examiner Stewart T. Knox	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 12-22 and 28-32 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 17-22 and 28-32 is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment A</u> |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Sedita (Fr Patent 2,619,440). Note: enclosed with this office action is a marked diagram of the invention of Sedita with the elements denoted as the Examiner has considered them. Sedita discloses a trigger (fig. 2) for use with a gun having a sear (see diagram) and a receiver (not shown), with a head (see diagram) directly and removably connected to a receiver (through pin b'), wherein the head comprises a top defining a socket for receiving and substantially surrounding a ball for directly contacting the sear (see diagram), a ball for contacting the sear, and a finger element connected to the head (see diagram).
3. With respect to Applicant's arguments about the trigger head directly and removably connected to a receiver, the receiver would clearly be the element to which the sear and trigger head are connected, through pins b and b' in Sedita's original designation, despite the fact that it is not pictured.
4. With respect to Applicant's arguments about the distinctness of the sear, trigger, and receiver, the Examiner asserts that the presence of angular deviations of the trigger relative to the sear, labeled " α " in the diagram, necessitates that the trigger is not "directly connected to the sear" as described by Applicant on page 8, lines 22-23 of the arguments, but rather able to move

Art Unit: 3641

independently. The presence of the ball and socket configuration, further, would be irrelevant if the trigger and sear could not operate independently. Thus the sear, receiver, and trigger are separate components and Sedita discloses three such separate components. Applicant's arguments with respect to claim 12 are not considered persuasive.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sedita in view of Sato (6474011). Sedita discloses the claimed invention except for a finger element comprising a front strap and a rear strap with at least one opening there between. Sato teaches a trigger with a front and rear strap and at least one opening there between (fig. 1). Functionally, the triggers behave in the same manner, but a trigger with straps and braces is composed of less material, and therefore is lighter and cheaper to manufacture. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trigger of Sedita with the trigger of Sato in order to construct a lighter firearm that is cheaper to manufacture.

3. Applicant's arguments with respect to the allowability of claim 13 are not considered persuasive, since claim 12 is not allowable as currently embodied.

Allowable Subject Matter

5. Claims 1-6, 17-22, and 28-32 are allowed. The following is a statement of reasons for the indication of allowable subject matter: Applicant's amendments have overcome the 35 U.S.C 112, 35 U.S.C. 102(b), and 35 U.S.C 103(a) rejections laid out in the first office action for the above-mentioned claims.

6. Applicant's argument with respect to claim 14 is considered persuasive, but per the 102(b) rejection above, remains dependent on a rejected claim. Thus, claims 14, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 3641

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stewart T. Knox whose telephone number is (571) 272-8235. The examiner can normally be reached on Monday through Thursday, 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (571) 272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STK


Michael Carone
SDE 3641

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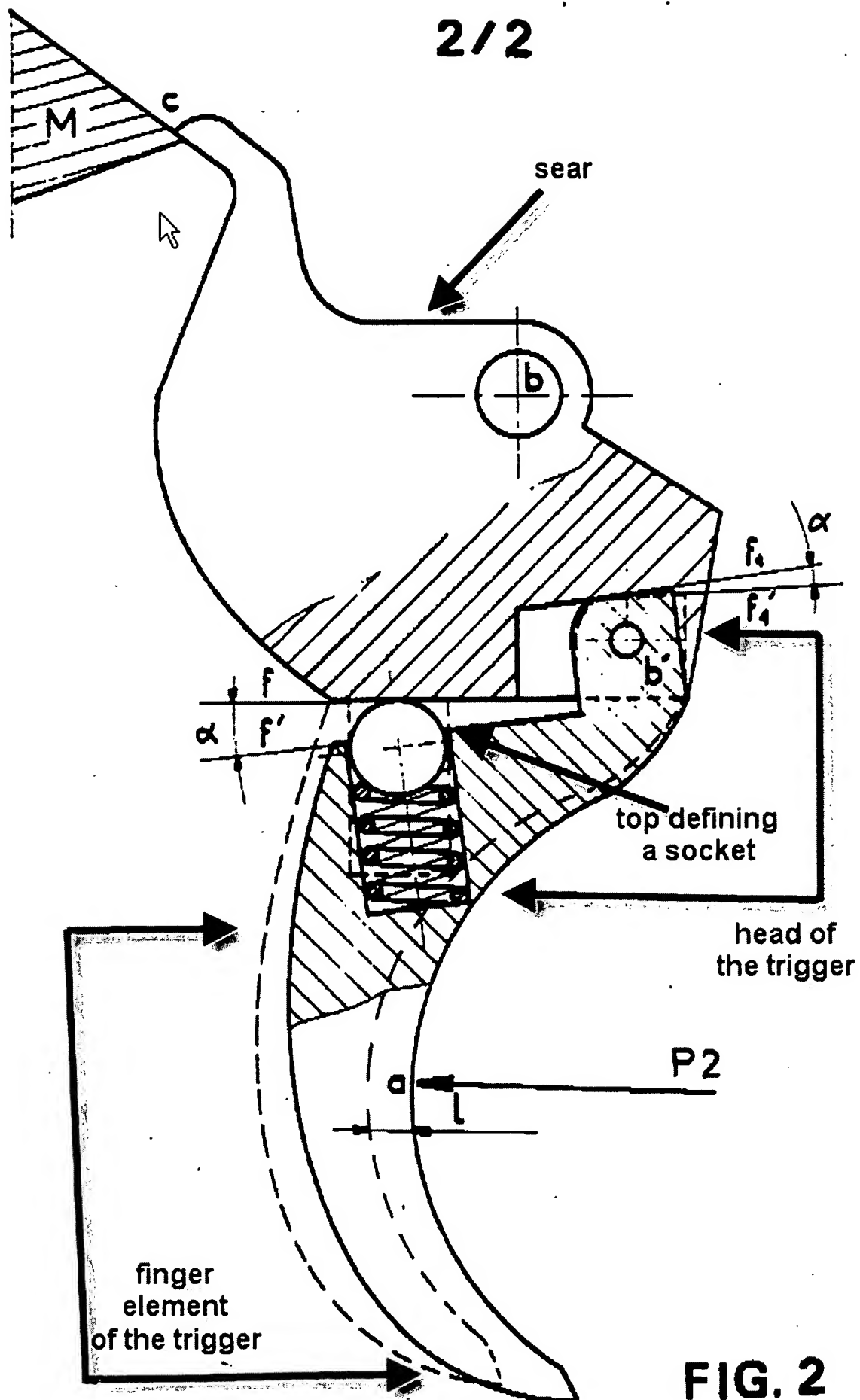


FIG. 2